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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

THE PEOPLE,

Plaintiff and Respondent,

v.

ENRIQUE MENDEZ SALGADO,

Defendant and Appellant.

B301987

Los Angeles County
Super. Ct. No. GA101299

APPEAL from an order of the Superior Court of
Los Angeles County, Jared D. Moses, Judge. Dismissed.

Robert F. Somers, under appointment by the Court
of Appeal, for Defendant and Appellant.

No appearance for Plaintiff and Respondent.

In February 2019 a jury convicted defendant and appellant Enrique Mendez Salgado of possession of methamphetamine for sale, unlawful possession of ammunition, and unlawful access card activity. At sentencing, the trial court ordered Salgado to pay a restitution fine and a laboratory analysis fee. The court stayed a parole revocation restitution fine and waived the court operations and criminal conviction assessments. Salgado appealed and we appointed counsel to represent him. (B296122.) One of the contentions Salgado raised on appeal was a due process challenge to the restitution fine.

While the case was on appeal, on September 27, 2019, Salgado filed a form “Motion for Disposition of Restitution,” stating he was indigent and unable to pay the restitution. In a minute order dated October 4, 2019, the court denied the motion. Salgado filed a notice of appeal and we appointed counsel to represent him in this second appeal. (B301987.)

After examining the record, counsel filed an opening brief under *People v. Serrano* (2012) 211 Cal.App.4th 496 (*Serrano*) stating he had “thoroughly reviewed the record in this case, considered the applicable law, and consulted with the California Appellate Project.” Counsel “found no issue to appeal.” Counsel declared he had provided Salgado with a copy of the record and advised him that he could personally file a supplemental brief within 30 days. We have received no supplemental brief from Salgado.

Where, as here, court-appointed counsel has found no arguable issues and the defendant has not filed a supplemental brief, we may dismiss the appeal without conducting an independent review of the record. (*Serrano, supra*, 211 Cal.App.4th at pp. 501, 503; *People v. Cole* (2020) 52 Cal.App.5th 1023, 1039-1040, review granted Oct. 14, 2020, S264278.) Moreover, in our opinion filed concurrently in Salgado’s first

appeal, we are vacating his sentence and remanding the case for further proceedings in the trial court. As that opinion notes, Salgado may raise any ability-to-pay issue concerning the restitution fine on remand.

DISPOSITION

We dismiss Enrique Mendez Salgado’s appeal from the trial court’s order denying his “Motion for Disposition of Restitution.”

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EGERTON, J.

We concur:

EDMON, P. J.

DHANIDINA, J.